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## Backer, Firmin

**Note: No more than five (5) pages may be provided.**

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Signature

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.\*

☒ \*Total of 1 form/s are submitted.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Leif Einar AUNE

Atty. Ref.: 4009-29; Confirmation No. 7351

Appl. No. 09/803,022

TC/A.U. 3621

Filed: March 12, 2001

Examiner: Backer, Firmin

For: COMMUNICATION IDENTIFIER METHOD

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December 16, 2005

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**STATEMENT OF ARGUMENTS IN SUPPORT OF  
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

There have been five non-final office actions in this case. In response to the fifth, non-final office action dated September 16, 2005, Applicant files this pre-appeal request.

**Clear Error #1: McConnell And Modarressi Fail To Teach Combining An APN Gateway Address And A Subscriber IP Address To Form A Unique Subscriber Identifier**

Newly-cited McConnell describes a WAP gateway 1 that includes a Radius server RAS 30 and a gateway database 32. A handset 4 requests a circuit switched connection via a mobile network 3, and the signaling shown in Figure 5 results between a modem server "CISCO 5300"<sup>1</sup> and the WAP gateway 1.

The Examiner rightly admits that McConnell fails "to teach an inventive concept of using the GTSN for combining the APN gateway address and the subscriber IP

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<sup>1</sup> The modem server is not identified with any illustrated node in McConnell.

address to form a unique subscriber identifier.” In addition, McConnell fails to disclose the additional claim feature of sending that unique subscriber identifier to the RADIUS server, as recited in each independent claim.

The Examiner relies on Modarressi as allegedly teaching the “inventive concept” that McConnell does not teach. Here the Examiner refers to the abstract of Modarressi and column 9, lines 21-40. Modarressi describes an enhanced Asymmetric Digital Subscriber Loop (ADSL) architecture for establishing a continuous logical connection between a user computer and a continuous service provider as well as establishing a temporary logical connection between the user computer and a temporary service provider. But this has nothing to do with combining an APN gateway address and a subscriber IP address to form a unique subscriber identifier.

The text in column 9 relied on by the Examiner refers to the user’s computer 102b, as shown in Figure 3a (which includes the communications portal 330 referred to in this text), combining the continuous service provider 302 gateway IP address information with a “subnetwork address of the service cluster 303 to create a static route in routing table 332.” Column 9, lines 25-28. The routing table 332 is also located in the user computer, as shown in Figure 3a. The service cluster 303 is located in the continuous server provider 302 (See Fig. 3a).

Claim 1 recites that the GGSN is the entity that combines the APN gateway address and the subscriber IP address to form a unique subscriber identifier. This is completely different from what’s described in column 9. It is the user terminal that is doing the combining—not a GGSN or some other gateway node. And the things being combined correspond to address information for the continuous service provider 302—not the user or user terminal. There is no teaching of combining any node address with a “subscriber IP address,” let alone combining the

claimed APN gateway address with a subscriber IP address. Nor is anything that's combined by Modarressi "a unique subscriber identifier," as recited in the claims. To the contrary, what results from the user terminal combination is a static route to be stored in its routing table 332 for routing packets to the continuous server provider 302. In other words, the combined identifier in Modarressi identifies the continuous server provider and not the subscriber or the user computer.

Thus, even if the Examiner's combination of Modarressi and McConnell were accepted, for purposes of argument only, that combination fails to disclose multiple features recited in each of the independent claims. The following are examples from claim1:

- "using said GGSN for combining the APN gateway address and the subscriber IP address to form a unique subscriber identifier," and
- "sending from said GGSN said identifier to the RADIUS server."

**Clear Error #2: There Is No Proper Motivation To Modify/Combine McConnell And Modarressi As The Examiner Proposes**

There is no proper motivation to combine Modarressi with McConnell for the reasons propounded by the Examiner. First, there is no teaching of accounting in Modarressi. Second, McConnell already describes the gateway 1 sending to the "modem server" an allocated IP address for the handset mapped to the handset's MSISDN. In McConnell's view, the handset IP address and its MSISDN are perfectly sufficient for establishing communication, for network addressing, and for accounting. So the articulated "motivation" to change McConnell is not present or necessary. The Examiner creates that hindsight motivation after having read the instant application.

**Clear Error #3: McConnell Lacks One or More Claimed Nodes**

The Examiner does not identify by reference number which node in McConnell corresponds to the claimed GPRS system, external network, an access point name (APN), or a GGSN. It is difficult therefore to know the Examiner's basis for rejection.


Even assuming that the mobile network 3 corresponds to the GPRS system, the WAP gateway 1 corresponds to the radius server, and the "modem server" shown in Figure 5 corresponds to some sort of analog to the GGSN, there is no teaching of the claimed external network or of an Access Point Name (APN) identifying the external network. Perhaps the Examiner views the claimed external network as the origin server 10 in McConnell, but McConnell does not describe any APN for the origin server 10 or assigning a gateway address to the origin server 10. Nor is there a role for the origin server 10 in the authentication signaling described by McConnell in conjunction with Figure 5 relied on by the Examiner.

Accordingly, the rejection should be withdrawn and this application allowed.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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